**GOVERNMENT OF ANDHRA PRADESH**
**ABSTRACT**

Public Servants – Registration & Stamps Department – Disciplinary proceedings initiated against Sri P.V.N.R.S.Satyanarayana Rao, former Joint Sub Registrar, Registrar Office, Visakhpatnam (Retired on 31-07-2010) – enquiry conducted – report received – IA report communicated – representation received – Show Cause Notice Issued – Representation received – Impose a penalty of 25% cut in pension for a period of 5 years besides recovery of loss of Rs.36,79,510/- - Orders – Issued.

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**REVENUE (VIGILANCE-II) DEPARTMENT**

**G.O.Rt.No.665** **Dated:10-07-2017**

**Read the following:**

1. C&IG Lr.No.X1/17602/2010, dated:09-05-2011.
2. G.O.Rt.No.1129, Rev.Vig (VI) Dept., dated:16-9-2011.
3. WSD of Sri P.V.N.R.S.Satyanarayana Rao,Joint Sub Registrar (Retd) through C&IG letter dated:26-7-2012.
4. G.O.Rt.No.1282, Rev.Vig(VI) Dept., dated:29-8-2012.
5. D&IG, R&S,AP., Hyd., Lr.No.X1/17602/2015, dated:22-8-2015 along with IA report.
6. Govt., Memo.No.21464/Vig.II(1)/2011-3, dt:26-11-2015.
7. DIG, R&S, Visakhapatnam Lr.No.E1/2062/2012, dt:26-12-2015 along with representation of CO Sri P.V.N.R.S.Satyanarayana, former SR (Retd) dt:23-12-2015.
8. D&IG, R&S, AP., Hyd., Lr.No.X1/17602/2015, dt:13-7-2016 along with remarks of DIG, R&S, Visakhapatnam and DR, R&S, Visakhapatnam.
9. Govt., Memo.No.21464/Vig.II(1)/2011-5, dt:23-12-2016.
10. Representation of Sri P.V.N.R.S.Satyanarayana Rao, SR (Retd) dt:15-3-2017 received through the DIG, R&S, Visakhapatnam Letter dt:17-3-2017.
11. Govt., Lr.No.21464/Vig.II(1)/2011-6, dt:15-5-2017.
12. APPSC Lr.No.459/DC&C/1/2017, dt:17-6-2017.

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**O R D E R:**

Whereas in the reference 1st read above, the Commissioner & Inspector General, Registration & Stamps has reported that Sri P.V.N.R.S.Satyanarayana Rao, while working as Joint Sub Registrar-I, Registrar Office, Visakhapatnam (Retired on 31-7-2010) has committed certain grave irregularities in respect of Doc.Nos.4225,4227 to 4229 of 2009 of Registrar Office (Original Branch), Visakhapatnam and caused loss of Revenue, thereby requested the Government to initiate disciplinary action against the above officer under Rule 9 of Andhra Pradesh Revised Pension Rules, 1980 since he was retired from service 31-7-2010 on attaining the age of superannuation.

2. And whereas, in the reference 2nd read above, Government have initiated disciplinary proceedings against the above officer duly framing the following charges.

Charge-I: That Sri P.V.N.R.S.Satyanarayana Rao, Sub Registrar Grade-I (Retired) Registrar Office, Visakhapatnam while working as Joint Sub Registrar-I, Registrar Office, Visakhapatnam during the period from 1-9-2007 to 31-7-2010, he had registered a deed of lease bearing Document No.1565 of 2008 of Registrar Office (Original Branch), Visakhapatnam and failed to scrutinize the document properly and caused huge loss of Revenue to an extent of Rs.36,79,510/- to the State exchequer.

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Charge-II: That Sri P.V.N.R.S.Satyanarayana Rao, Sub Registrar Grade-I (Retired) Registrar Office, Visakhapatnam while working as Joint Sub Registrar-I, Registrar Office, Visakhapatnam has erroneously allowed exemption of stamp duty applicable to apartments under G.O.Ms.No.1, Revenue (Registration-I) Department, dated:1-1-2009 without observing the condition mentioned in the said GO in respect of Document No.3018/2009 of Registrar Office (Original Branch), Visakhapatnam and caused huge loss of Revenue to an extent of Rs.1,50,000/- to the State exchequer.

Charge-III: That Sri P.V.N.R.S.Satyanarayana Rao, Sub Registrar Grade-I (Retired) Registrar Office, Visakhapatnam while working as Joint Sub Registrar-I, Registrar Office, Visakhapatnam registered ratification deeds bearing Document Nos.4225, 4227 to 4229 of 2009 of Registrar Office, Visakhapatnam and failed to scrutinize the documents properly to determine the nature of the documents properly and caused huge loss of Revenue to an extent of Rs.1,53,72,940/- to the State exchequer.

Charge-IV: That Sri P.V.N.R.S.Satyanarayana Rao, Sub Registrar Grade-I (Retired) Registrar Office, Visakhapatnam while working as Joint Sub Registrar-I, Registrar Office, Visakhapatnam registered ratification deeds bearing Document Nos.4226 and 4235 to 4265 of 2009 of Registrar Office, Visakhapatnam has failed to scrutinize the documents properly and also failed to determine the nature of the documents properly and caused loss of Revenue to an extent of Rs.73,47,310/- to the State exchequer.

Charge-V: That Sri P.V.N.R.S.Satyanarayana Rao, Sub Registrar Grade-I (Retired) Registrar Office, Visakhapatnam while working as Joint Sub Registrar-I, Registrar Office, Visakhapatnam has failed to scrutinize the following documents properly and caused loss of Revenue to the Government exchequer.

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| i) | 4965/2009 | : | Rs.23,390.00 |
| ii) | 5020/2009 | : | Rs.1,690.00 |
| iii) | 5171/2009 | : | Rs.7,300.00 |
| iv) | 2622/2009 | : | Rs.81,050.00 |
| v) | 1523/2009 | : | Rs.54,025.00 |
| vi) | 1582/2009 | : | Rs.31,750.00 |

3. In the reference 3rd read above, the Charged Officer submitted Written Statement Defence. Having not convinced with the Written Statement of Defence submitted by the Charged Officer, Government have appointed Deputy Inspector General, Registration & Stamps, Visakhapatnam as the Inquiring Authority and District Registrar, Registration & Stamps, Visakhapatnam as Presenting Officer in the reference 4th read above.

4. In the reference 5th read above, the Director & Inspector General, Registration & Stamps has transmitted the enquiry report in respect of Sri P.V.N.R.S.Satyanarayana Rao, former Sub Registrar Grade-I (Retired) submitted by the Inquiring Authority i.e., Deputy Inspector General, Registration & Stamps, Visakhapatnam to Government for taking further action under Rule 9 of Andhra Pradesh Revised Pension Rules, 1980.

5. The Inquiring Authority in his report has stated that based on analysis and assessment of evidence, the Inquiring Authority hold that the charges-I, II & V were held proved and the charges III & IV were not held proved.

6. Government have examined the matter and communicated the Inquiring Authority report to the Charged Officer for offering his representations if any on the findings of Inquiring Authority in the reference 6th read above.

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7. In the reference 7th read above, the Charged Officer submitted representation through the Director & Inspector General, Registration & Stamps, Andhra Pradesh, Vijayawada and stated the following:

**Charge-I: Document No.1565/2008**: The Charged Officer has stated that it is a lease deed pertaining to Cooperative Super Bazar, Visakhapatnam and stated that the parties have brought a draft lease deed for 30 years one week earlier to the date of actual presentation of the document for informal advice. He has further stated that since the draft is alright, the Charged Officer has asked to go ahead for registration and stated that accordingly, the party have presented the deed on a day when there was heavy work on hand. On which, the Charged Officer has stated that since, he had already gone through the draft earlier, he had admitted the document to registration in good faith and stated that after it has been noticed by the Audit, he has observed that the period of lease was altered to extend the term beyond 30 years. He has further stated that the same has been contested in his final defence before the Inquiring Authority stating that the party has contested the assessment of stamp duty by the Audit Registrar and finalized by the Deputy Inspector General, Registration & Stamps, Visakhapatnam and stated that when the Proceeding levying deficit stamp duty by the District Registrar, Visakhapatnam as Collector under section 41-A of Indian Stamp Act, 1899 in Proceedings No.G4/764/2008, dt:19-11-2008 and appealed against it before the Chief Controlling Revenue Authority. He has further stated that the party has filed WP.No.24741/2009 before the High Court against the orders of CCRA, who confirmed the orders of District Registrar as Collector under Section 41-A of Indian Stamp Act and stated that the Hon'ble High Court has passed interim orders suspending the orders issued by the department. On which, the Charged Officer has stated that the matter is sub-judice.

**Charge-II: Document No.3018/2009 of RO, Visakhapatnam**:

The Charged Officer has stated that in his final defence that the property dealt within the document is an apartment in the apartment complex consisting of 18 units of apartments complex constructed as per the plan approved by the Greater Visakhapatnam Municipal Corporation in Proceedings No.1919/97/ACP 1, dated:9-10-1998 and BA.No.1919/97/ACP I, dated:9-10-1998 and stated that it is not pary of any building having less than 5 units as remarked upon by the Audit. With the above, the Charged Officer has stated that it way rightly classified as an apartment and stamp duty and Registration fee were correctly levied and stated that there is no loss of stamp duty and fees. He has finally stated that the Regular Enquiry Officer has not accepted his defence and relied on the submission of the Presenting Officer in holding the charge as proved.

**Charge-V**: **In respect of Document No.4965/2009**:

The Charged Officer has stated that the parties have paid the deficit stamp duty of Rs.23,390/- on 8-5-2015 with his pursuation. (copy of the challan enclosed).

**In respect of Document No.5171/2009**:
The Charged Officer has stated that the deficit stamp duty of Rs.7,300/- was collected on 28-6-2014. (copy of the challan enclosed).

**In respect of Document No.5020/2009**:

The Charged Officer has stated mainly among others that the parties have paid the deficit stamp duty of Rs.1,690/- on 20-5-2015 with his pursuation. (copy of the challan enclosed).

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**In respect of Document No.2622/2009**:

The Charged Officer has mainly stated among others that the total units in the building is six units each of which falls under the definition of apartment within meaning of G.O.Ms.No.1, Revenue (Reg.I) Department, dated:1-1-2009 and in support of his evidence, the Charged Officer has submitted the copy of plan approved by GVMC in BA.No.12955/07/ACP I E5, dt:8-5-2008 and finally stated there is no deficit stamp duty.

**In respect of Document No.1523/2009:**

The Charged Officer has mainly stated among others that the total units in the building is nine units each of which falls under the definition of apartment within meaning of G.O.Ms.No.1, Revenue (Reg.I) Department, dated:1-1-2009 and hence stated that there is no deficit stamp duty.

**In respect of Document No.1582/2009:**

The Charged Officer has mainly stated among others that the total units in the building is six units each of which falls under the definition of apartment within meaning of G.O.Ms.No.1, Revenue (Reg.I) Department, dated:1-1-2009 and in support of his evidence, the Charged Officer has submitted the copy of plan approved by GVMC in BA.No.12955/07/ACP I E5, dt:8-5-08 and finally stated there is no deficit stamp duty.

8. In respect of the charge-I, the Charged Officer has mainly stated that the party to the document have filed Writ Petition against the orders of Chief Controlling Revenue Authority who confirmed the orders of District Registrar as Collector under Section 41-A of Indian Stamp Act and the Hon'ble High Court have passed interim orders suspending the orders issued in this regard and stated that now the matter is sub-judice.

9. And in respect of Charges-II & V, among others has mainly stated the he acted as per G.O.Ms.No.1, Revenue (Registration-I) Department, dated:1-1-2009 in respect of certain documents and stated that there was no deficit stamp duty caused by him. And in respect of certain other documents, the deficit stamp duty has been collected and paid by the party with his efforts.

10. Government have examined the matter observed that out of 8 documents, deficit amounts have been collected in respect of the seven documents, and remitted the same to the Government exchequer. In respect of one document i.e., 1565/2008, there is a deficit amount of Rs.36,79,510/-, a notice has been issued to the party i.e., Co-Operative Super Bazar, Visakhapatnam, by the District Registrar under section 41-A of Indian Stamp Act 1899, the party have filed Writ Petition.No.24741/2009 before the Hon'ble High Court. Now, the case is pending before the Hon'ble High Court and the deficit amount cannot be collected at this juncture due to pending court case.

11. Government after careful examination of the matter observed that since, the deficit amount of Rs.36,79,510/- has not yet been collected due to pending court case, therefore, it has been provisionally decided to impose a penalty of 25 % cut in pension for a period of 5 years besides recovery of deficit amount of Rs.36,79,510/- against the Charged Officer Sri P.V.N.R.S.Satyanarayana Rao, former Joint Sub Registrar-I (now Retired). Accordingly, a Show Cause Notice has been issued to Charged Officer, with a direction to show cause as to why the proposed penalty should not be imposed against him in the reference 9th read above.

12. In the reference 10th read above, the Charged Officer Sri P.V.N.R.S.Satyanarayana Rao, former Sub Registrar (Retired) has submitted representation stating mainly among others that the work load

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and pressure of work for the Joint Sub Registrar-I in Registrar Office is known to every officer in the department and stated that some omissions and mistakes tend to occur during the discharge of duties in that pressure of work. He has further stated that most of the losses have almost recovered with his efforts and with regard to loss pointed out in the charge-I, he has stated that there was no intention or any motive behind it to cause a loss to Government and stated that the matter is before the Hon'ble High Court and still pending. He has further stated that if the Hon'ble High Court decides the case in favour of Government the Government can recover the amount under the provisions of the Indian Stamp Act, 1899 and stated that if necessary even by coercive process under section 48 of the said Act. He has further stated that there is statutory provision to recover the loss in case of document referred to charge-I, when the losses already realized in respect of documents referred in other charges. With the above, the Charged Officer Sri P.V.N.R.S.Satyanaryana Rao, former Sub Registrar (Retired) has requested the Government, to consider the above facts and reduce the proposed punishment of cut in pension, drop the proposal to recover the loss from him in view of statutory provisions for recovery of loss.

13. Government after careful examination of the matter observed that the contents putforth by the Charged Officer have already been examined and observed that he has not put forth any valid grounds. Therefore, it has been decided to confirm the provisional decision i.e., to impose a penalty of 25% cut in pension for a period of 5 years besides recovery of loss of deficit amount for Rs.36,79,510/- against the CO Sri P.V.N.R.S.Satyanaryana Rao, former Sub Registrar (Retired).

14. The Andhra Pradesh Public Service Commission have agreed with the proposal of the Government in the reference 12$^{th}$ read above (copy enclosed).

15. Accordingly, Government, hereby order to impose a penalty of 25% cut in pension for a period of 5 years besides recovery of loss of deficit amount for Rs.36,79,510/- against the Charged Officer Sri P.V.N.R.S.Satyanaryana Rao, former Sub Registrar (Retired).

16. The Director & Inspector General (Registration & Stamps), Vijayawada / Deputy Inspector General, Registration & Stamps, Visakhapatnam shall take necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

To
The Individual (**through** the Deputy Inspector General, Registration & Stamps, Visakhapatnam with a request to serve the order on the Charged Officer and furnish the served copy along with dated acknowledgement to Government for record).
The Director & Inspector General, Registration & Stamps, Andhra Pradesh, Eedupugallu, Vijayawada, Krishna District.
The Deputy Inspector General, Registration & Stamps, Visakhapatnam.

**Copy to:**

The Secretary, Andhra Pradesh Public Service Commission at Hyderabad.
The Secretary to Vigilance Commissioner,
Andhra Pradesh Vigilance Commission, Velagapudi, A.P.Secretariat, Guntur District.
SF / SC.

//FORWARDED :: BY ORDER//

SECTION OFFICER